

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ANTWAN ROBERTS, #0559187                   §  
VS.   §                   CIVIL ACTION NO. 2:20cv247  
UNITED STATES OF AMERICA                   §

**ORDER OF DISMISSAL**

Plaintiff Antwan Roberts, an inmate currently confined in the Tarrant County Jail, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On May 30, 2023, Magistrate Judge Payne issued a Report, (Dkt. #2), recommending that Plaintiff's lawsuit be dismissed, without prejudice, for Plaintiff's failure to prosecute this case. The Report was mailed to Plaintiff at his last-known address. The mail was returned as undeliverable. (Dkt. #3). To date, no objections to the Report have been filed and Plaintiff has not communicated with the Court since July 27, 2020. (Dkt. #1).

As Plaintiff has not filed objections to Magistrate Judge Payne's Report, Plaintiff is barred from a *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, barred from appellate review of the un-objected to proposed factual findings and legal conclusions accepted and adopted by the District Judge. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1)(extending the time to file

objections from ten to fourteen days).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly


**ORDERED** that the Report of the United States Magistrate Judge (Dkt. #2), is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that Plaintiff's civil rights lawsuit is **DISMISSED**, without prejudice, for failure to prosecute this case. It is further

**ORDERED** that the statute of limitations is suspended for a total of 60 days from the entry of the Final Judgment. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So ORDERED and SIGNED this 11th day of July, 2023.**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE